

REMARKS

Claims 1-24 are pending in the present application. Claims 1-2, 8, 12, 17, and 20 have been amended.

Claim objections

Claim 17 has been amended to overcome antecedent basis objection. To this end, "second signal" has been changed to "second control signal."

Claim rejection under 35 USC §103:

Claims 1-5, and 12-17 have been rejected under 35 U.S.C. 103, as being unpatentable over Lubbers et al.(US 6,149,248) in view of Tabata (US RE37,513).

The Examiner rejects the above mentioned claims alleging that Lubbers in view of Tabata disclose all the limitations of the these claims. Applicant respectfully disagrees.

The prior art discloses systems that are directed to different methods as claimed in the independent claims of the present invention. According to the present invention, the system monitors the status of the vehicle and changes the characteristics of a braking force booster depending on whether a skidding or swerving of the vehicle is detected. However, the system does not activate the brakes to actually decelerate the vehicle. Thus, it is up to the vehicle operator to activate the brake. The system adjusts, however, the characteristics of the behaviour of the brake depending on the status of the vehicle. Thus, a certain pedal force will result in different type of braking depending on the vehicle status.

The Lubbers system operates differently. Lubbers determines during an actual braking process whether the braking force is sufficient and increases it if necessary. Thus, this process is only done if braking actually takes place. No prediction is made depending on the status of the vehicle. No characteristic of the braking force booster is changed. For the time the brake pedal is operated, the system simply increases the braking force and releases it after the brake is released even though a instable situation might still exist.

The Tabata system is an active vehicle stability system which activates a braking process even if the vehicle operator does not operate the brake pedal. No change of a characteristic of the brake booster takes place. Therefore, a combination of these references will not lead to the claimed invention. The principles of these two references are completely independent. A combination of the two references will lead to a system with an active stability control that activates the brakes without the control of the vehicle operator and also a braking system that checks whether the applied braking force coincides with the demanded braking force. However, a changed characteristic of the braking booster during a skidding and swerving of the vehicle is neither disclosed nor suggested by these references. Even though Applicant believes that the claims as amended in the last response reflect this difference to the prior art, Applicant amended the claims to more clearly point out the present invention.

Claims 8, 20, and 21 have been rejected under 35 U.S.C. 103, as being unpatentable over Lubbers in view of Tabata and Kircher (US 4,658,939). The Examiner states that Lubbers in view of Tabata and Kircher disclose all the limitations of independent claim 8 and 20. Applicant respectfully disagrees.

Independent claims 8 and 20 are directed to change the responsiveness of a braking system in case of a unstable vehicle status. Instead of changing the characteristic of the braking booster, the clamping device of a brake proper is controlled in such a way, that the free play or clearance that normally exists is eliminated. Thus, if the vehicle operator decides to operate the braking pedal, a breaking process will immediately start without any delay. This will cause a much faster reaction to a critical vehicle status. The system itself however, as discussed above, is not actively operating the brake to decelerate the car. It merely changes the behaviour of the braking system to be more responsive in case the vehicle operator activates the brake. Even though Applicant believes that the claims as amended in the last response reflect this difference to the prior art, Applicant amended the claims to more clearly point out the present invention.

The additional reference Kircher, which allegedly discloses this limitation, does neither disclose nor suggest such a function. Activating a brake, which of course eliminates a

free-play of the brake, is a different function than eliminating the free-play. The Kircher system is as unresponsive or delayed responsive as any other system disclosed in the prior art.

Dependent claims:

All dependent claims include all the limitations of the respective independent claims and are therefore patentable at least to the extent of the independent claims. Therefore, Applicant respectfully requests allowance of the present set of claims.


CONCLUSION

The application as defined in the pending claims is patentable under 35 U.S.C. §112 and §103 in view of the cited prior art. Therefore, applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 070255.0611.

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